

MAORI SOCIAL AND ECONOMIC ADVANCEMENT AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 contains a definition of the term "marae".

Clause 3 replaces existing legislation relating to the supply of intoxicating liquor to Maoris. The clause is similar to section 59 of the Statutes Amendment Act 1939 (which prohibits the supply and consumption of liquor in or near dance halls), but is wider than that section and prohibits the supply to and consumption of liquor where any gathering of Maoris is being held at a marae. Provision is made in the clause for the issue of permits by Tribal Committees authorizing the supply of liquor to Maori gatherings in certain circumstances.

Clause 4 relates to applications for prohibition orders against Maoris. Section 217 of the Licensing Act 1908 makes provision for applications for prohibition orders against male Maoris. This clause repeals that section and sets out specifically the persons who alone may apply for prohibition orders against Maoris. Apart from the matters referred to in the clause, the law will operate in respect of Maoris, both male and female, in the same way as it operates in respect of persons who are not Maoris.

Clause 5 provides for the constitution of the Ratana Pa tribal district and for the establishment of a Tribal Executive for the district.

Hon. Mr. Corbett

MAORI SOCIAL AND ECONOMIC ADVANCEMENT
AMENDMENT

ANALYSIS

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| Title. | |
| 1. Short Title. | 4. Prohibition orders against Maoris. |
| 2. Definition of "marae". | |
| 3. Restriction on supply of liquor to Maoris at Maori gatherings. Repeal. | 5. Constitution of Ratana Pa tribal district and establishment of Tribal Executive. Repeal. |

A BILL INTITULED

AN ACT to amend the Maori Social and Economic Advancement Act 1945. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Maori Social and Economic Advancement Amendment Act 1951, and shall be read together with and deemed part of the Maori Social and Economic Advancement Act 1945 (hereinafter referred to as the principal Act). Short Title.
1945, No. 43

2. Section two of the principal Act is hereby amended by inserting, after the definition of the term "Maori Warden", the following definition:— Definition of "marae."

15 " " Marae ' means any church, meeting-house, hall, dining hall, kitchen or other building (other than a private dwellinghouse) used as a meeting place for Maoris; and includes any land attached or appurtenant to and commonly used in connection with the building: "

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Restriction on
supply of
liquor to
Maoris at
Maori
gatherings.

3. (1) The principal Act is hereby amended by repealing section forty-two, and substituting the following section:—

“42. (1) Every person, whether a Maori or not, who having the control or management of any dance, meeting, tangi, hui, or other gathering of Maoris being held in any marae, supplies intoxicating liquor to any person within the bounds of the marae or permits any such liquor to be taken into or consumed within the bounds of the marae, commits an offence and shall be liable to a fine of twenty pounds. 5 10

“(2) Every person, whether a Maori or not, who, while a dance, meeting, tangi, hui, or other gathering of Maoris is being held in a marae, drinks any intoxicating liquor within the bounds of the marae, or has any such liquor in his possession or control within the bounds of the marae or in the vicinity of the marae, or supplies intoxicating liquor to any person in the marae, commits an offence and shall be liable to a fine of ten pounds. 15

“(3) For the purposes of subsection *two* of this section intoxicating liquor shall be deemed to be in the vicinity of a marae where a gathering of Maoris is being held if it is shown that the liquor was in the possession or control of any person attending or proceeding to attend the gathering, or was consumed or intended for consumption by any person so attending. 20 25

“(4) Any constable or Maori Warden who has reason to suspect that there is any breach by any person of the provisions of this section in or in the vicinity of any marae where a gathering of Maoris is taking place may without warrant enter the marae or any place in the vicinity thereof, and examine the same and search for intoxicating liquor therein and may seize and remove any such liquor found therein and the vessels containing the liquor. Any intoxicating liquor so seized in respect of which any person is convicted of an offence under this section, together with the vessels containing the liquor, shall be forfeited to the Crown. 30 35

“ (5) Nothing in this section shall apply in relation to any liquor consumed in any dwellinghouse by persons for the time being resident therein or to any liquor in any licensed premises and nothing in this section shall be
5 deemed to confer upon any constable or Maori Warden the power to enter without warrant any dwellinghouse.

“ (6) Nothing in this section shall apply to prohibit the supply to any person of intoxicating liquor or the drinking or possession of any such liquor in any case
10 where—

“ (a) The liquor is *bona fide* required for medicinal purposes on the authority of a registered medical practitioner:

“ (b) The liquor is required for religious purposes:

15 “ (c) The liquor has been taken to and consumed in a marae in accordance with a permit given under subsection *seven* of this section.

“ (7) The Tribal Committee of any tribal area in which a marae is situated may in writing permit the
20 introduction of intoxicating liquor into the marae for the purposes of being consumed at any gathering of Maoris (other than a gathering for the purposes of a dance) in the marae. Any such permit shall prescribe the nature and the place of the gathering and may
25 contain such conditions as the Tribal Committee thinks fit in respect of the supply and the consumption of the liquor.

“ (8) Any offence committed under this section shall be deemed to be a breach of a by-law that has been duly
30 made and has come into force in accordance with the provisions of this Act and may be dealt with accordingly by a Tribal Committee under section forty-seven hereof.

“ (9) Nothing in this section shall be construed to
35 prevent a penalty being imposed on any person under the Justices of the Peace Act 1927 in respect of an offence committed against section fifty-nine of the Statutes Amendment Act 1939.”

See Reprint of
Statutes,
Vol. 11, p. 351
1939, No. 39

(2) Section forty-four of the principal Act is hereby
repealed. Repeal.

4. (1) The principal Act is hereby further amended by inserting, after section forty-eight, the following section:—

Prohibition
orders against
Maoris.

See Reprint of
Statutes,
Vol. IV, p. 312

“ 48A. (1) No person, other than a person specified in subsection *two* of this section, may apply for a prohibition order under Part VI of the Licensing Act 1908 against a Maori:

“ Provided that any Maori who desires that a prohibition order shall be made against himself may apply personally to a Magistrate for the issue of such an order, and the Magistrate may make the order without dealing with the case in open Court. 5

“ (2) A prohibition order may be made against a Maori on the application of:— 10

“ (a) Any constable:

“ (b) Any member of a School Committee established under Part IV of the Education Act 1914 for the school district in which the Maori is ordinarily resident: 15

“ (c) Any relative of the Maori:

“ (d) Any Maori Warden:

“ (e) Any Welfare Officer:

“ (f) The Chairman or the Secretary of a Tribal Executive or a Tribal Committee exercising jurisdiction in the tribal district in which the Maori is ordinarily resident: 20

“ (g) Any person, being a member of any such Tribal Executive or Tribal Committee as aforesaid, approved for the purposes of this section by the Minister by notice in the *Gazette*. 25

“ (3) Every person who knowingly sells, gives, or supplies intoxicating liquor to any Maori during the currency of a prohibition order against the Maori shall be liable to a fine not exceeding ten pounds. 30

“ (4) The police shall render such assistance as they are able to an applicant under this section for a prohibition order. 35

“ (5) Subject to the provisions of this section, the provisions of Part VI of the Licensing Act 1908 shall apply to Maoris in all respects as they apply to persons who are not Maoris.”

Repeals
Ibid., Vol. IV,
p. 314
1948, No. 74

(2) Section two hundred and seventeen of the Licensing Act 1908 and section one hundred and sixteen of the Licensing Amendment Act 1948 are hereby consequentially repealed. 40

5. (1) The principal Act is hereby further amended by inserting, after section forty-eight A (as inserted by section *four* of this Act) the following section:—

Constitution
of Ratana Pa
tribal
district and
establishment
of Tribal
Executive.
1941, No. 22

“ 48B. (1) The area of land described in subsection 5 twenty-nine of section fourteen of the Maori Purposes Act 1941 is hereby declared to be a tribal district for the purposes of this Act to be known as the Ratana Pa tribal district.

“ (2) The Tribal Executive of the Ratana Pa tribal 10 district, to be known as the Ratana Pa Tribal Executive, shall consist of—

“ (a) The members for the time being of the Ratana Trust Board established by section fourteen of the Maori Purposes Act 1941:

15 “ (b) Two representatives (who for the purposes of section eight of this Act shall be deemed to be elected members) of each Tribal Committee for the time being within the Ratana Pa tribal district to be appointed by 20 the Minister upon the recommendation of the Tribal Committees of which they are members:

“ (c) A Welfare Officer to be appointed by the Minister.

25 “ (3) The provisions of subsections one and two of section eight of this Act shall have no application to the Ratana Pa Executive Committee.

“ (4) For the purposes of section twenty-three of this Act a third of the revenue of the Ratana Trust Board 30 received from leases or tenancies granted by the Board under section fourteen of the Maori Purposes Act 1941 shall not be deemed to be revenue of the Board.

“ (5) Except as provided by this section, all the provisions of this Act shall apply to the Ratana Pa tribal 35 district and the Ratana Pa Tribal executive.”

(2) Section twelve of the Maori Purposes Act 1950 is hereby repealed.

Repeal.
1950, No. 98